

Module D:

Civil Rights, Confidentiality, Sexual Harassment, and Child Abuse

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OVERVIEW

Introduction

This module will help provide essential information regarding the WIC participants, civil rights, protection of confidential information, commonly used WIC forms, sexual harassment and child abuse reporting.

Learning Objectives

After completing this module you will be able to:

- Verbalize understanding of how civil rights protects the WIC participant
 - List the protected civil rights categories under the USDA and California regulations
 - Identify behaviors considered to violate a person's civil rights
 - Define confidentiality
 - To give three reasons why confidentiality is important
 - Give five ways to maintain confidentiality
 - Define sexual harassment
 - Give three examples of Sexual Harassment
 - Recognize and accurately complete the Rights & Responsibilities (R&R), Applicant and Participant Disqualification and Consent to Release Information forms
 - Identify and refer cases of child abuse to the proper person
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CIVIL RIGHTS

Civil Rights:

A person's right not to be excluded from, participation in, be denied benefits of, or be subjected to discrimination under the State WIC Program on the grounds of race, color, national origin, sex, age, disability, protected genetic information, income derived from public assistance, religion, ancestry, marital status, sexual orientation, political affiliation or opinion, parental status, reprisal, or medical condition.

WIC programs are to provide reasonable accommodations to assist persons with disabilities access services.

USDA Civil Rights Training Requirements

USDA requires local WIC agency trainers or appointed staff to annually train their agency staff who interact with applicants and/or participants. Refer to the *Equality for All Training*.

The USDA Civil Rights training must include the following:

- Collection and use of data
- Effective public notification system
- Complaint process
- Monitoring visits
- Noncompliance
- Requirements for reasonable accommodations of persons with disabilities
- Requirements for language assistance
- Conflict resolution
- Customer service

USDA Policy in FNS Instruction 113

Prohibits discrimination in all programs and activities. Discrimination is when a WIC participant or applicant feels they have been unfairly treated by a WIC staff person by being denied services and/or treated differently than others based on the following protected classes: Race, national origin, age, color, sex, disability.

American Disabilities Act (ADA)

Prohibits discrimination against people with disabilities.

CIVIL RIGHTS *(continued)***ADA Mandates
“Reasonable
Accommodation”**

Reasonable Accommodation is modification or adjustment to enable individuals with disabilities to have equal access to benefits and privileges of a service or program.

**Civil Rights Act of
1964 – Title VI
Limited English
Proficiency (LEP)**

Requires WIC program to take reasonable steps to ensure access to program information and services by person(s) with limited English proficiency.

Reasonable Steps

-
- Individuals who do not speak English as their primary language and who have limited ability to read, write, speak or understand English may be eligible to receive language assistance.
 - Individuals who are hearing impaired or blind may be eligible to receive language assistance, if needed for program participation.
 - Provide educational materials and classes in different languages (as needed).
 - Provide classes in different languages (as needed).
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Learning Activity

To practice and reinforce your learning about Civil Rights, you may want to try **Learning Activity 1** at the end of this module.

WHAT IS CONFIDENTIALITY?

Definition of Confidentiality:

“Discretion In Keeping Private Information Private”

Employee, applicant and participant confidential information includes, but is not limited to: name, social security number; address; telephone number; family size and members; physical description; income data; employment history; information on Medi-Cal, CalFresh (food stamps), or TANF (Welfare) status; medical data; food instrument issuance data identifying the individual; fair hearing documents identifying the individual; and discrimination complaint documents identifying the individual.

NOTE: Lists of WIC employee names and work telephone numbers are not confidential as they are public information.

Why is Confidentiality Important?

- To ensure compliance with federal and state regulations and protect the right to privacy of WIC employees, applicants and participants.
- To protect the identity and privacy of WIC applicants/ participants.
- To help participant feel comfortable about speaking about personal topics.
- Local agency is liable for information provided to an inappropriate source.

How is Confidentiality Maintained?

Restricting access to WIC MIS computer terminals and applicant/participant data in WIC MIS including:

- Not leaving a computer terminal logged on to WIC MIS unattended
- Limiting WIC MIS data viewing to staff and the applicant/participant (special situations only with necessary approvals)
- Turning off WIC MIS terminals at the end of the work day
- Restricting access to all paperwork provided by participants
- Not leaving paperwork out where it can be accessed by other staff or non-staff
- All documents from participants should be returned, filed or shredded
- All WIC files should be filed promptly and out of the view from public
- Participants should be provided anonymity when attending their WIC appointment
- Participant's information must not be shared with anyone else at the clinic
- When telephoning a participant, messages should not be left on answering machines or with others who may answer the participant's telephone
- When mailing items and/or information to participants, WIC should not be printed on the outside of the envelope.

Learning Activity

To practice and reinforce your learning about discretion, you may want to try **Learning Activity 2** at the end of this module.

TYPES OF WIC FORMS (Rights & Responsibilities (R&R), Disqualification applicant & participant, Consent forms)

What Forms are Available?

- Rights & Responsibilities (R&R)
- Disqualification of Applicant
- Disqualification of Participant
- Consent to release information
- National Voters Registration Act (NVRA)

When are they Used?

- The participant signs the R&R at initial certification (enrollment) and all subsequent certifications.
- Disqualification of Applicant - At the time of application if the applicant does not meet the minimum requirements for participation in the WIC program.
- Disqualification of Participant - at the time of subsequent certification (recertification) if the participant no longer qualifies for program services or does not provide adequate documentation.
- Consent to release information - i.e. medical, transfer and other information and to communicate with other agencies on their behalf.

Why are the Forms Important?

R&R, Disqualification of Applicant and Disqualification of Participant inform the participant of their rights regarding their participation in the WIC program.

Difference Between Applicant and Participant

Applicant - A person applying to receive program benefits who is not currently receiving WIC for themselves.

Participant - A person who is currently receiving WIC benefits and in an active certification period.

Learning Activity

To practice and reinforce your learning about use of forms, you may want to try **Learning Activity 3** at the end of this module.

SEXUAL HARASSMENT

What is Sexual Harassment?

Sexual harassment is a form of sex discrimination violating Title VII of the Civil Rights Act of 1964. Title VII applies to employers with 15 or more employees, including state and local governments. It also applies to employment agencies and to labor organizations, as well as the federal government.

Small businesses (less than 15 employees) may be able to handle sexual harassment through less formal means.

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when this conduct explicitly or implicitly affects an individual's employment, unreasonably interferes with an individual's work performance, or creates an intimidating, hostile, or offensive work environment.

Reporting Sexual Harassment

It is helpful for the victim to inform the harasser directly their conduct is unwelcome and must stop.

The victim should use any employer complaint mechanism or grievance system available.

From the Equal Employment Opportunity Commission website
http://www.eeoc.gov/laws/types/sexual_harassment.cfm

Sexual Harassment

Sexual harassment can occur in a variety of circumstances, including but not limited to the following times:

- The victim as well as the harasser may be female or male
 - The victim does not have to be of the opposite sex
 - The harasser can be the victim's supervisor, an agent of the employer, a supervisor in another area, a co-worker, or a non-employee
 - The victim does not have to be the person harassed but could be anyone affected by the offensive conduct
 - Unlawful sexual harassment may occur without economic injury to or discharge of the victim
 - The harasser's conduct must be unwelcome
 - Inappropriate posters
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Definition

- Unwelcome sexual advances
 - Requests for sexual favors
 - Other verbal or physical conduct of a sexual nature
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SEXUAL HARASSMENT *(continued)*

Types of Harassment	<ul style="list-style-type: none">• Physical• Verbal• Nonverbal• Environmental
Physical Harassment	<ul style="list-style-type: none">• Person is unwillingly touched, fondled, patted, pinched, or kissed• Can be harassed by a supervisor, peer, or someone outside the organization
Verbal Harassment	<ul style="list-style-type: none">• Questions about a person's sexual identity• Sexually oriented jokes• Comments about a person's body• Conversations containing sexual innuendoes and double meanings
Nonverbal Harassment	<ul style="list-style-type: none">• Eye contact or gestures• Staring at a person's body parts• Leering• Whistles• Hand gestures• Mouth gestures
Environmental Harassment	<ul style="list-style-type: none">• Sexually explicit or sexually suggestive pictures or objects• Often embarrass and/or humiliate co-workers and/or participants
Learning Activity	To learn more about harassment, you may want to try Learning Activity 4 at the end of this module.

CHILD ABUSE

What is Child Abuse?

“Child Abuse means a physical injury which is inflicted by other than accidental means on a child by another person. Child Abuse also means the sexual abuse of a child or any act or omission prohibited by willful cruelty or unjustifiable punishment of a child or unlawful corporal punishment or injury. Child Abuse also means the neglect of a child or abuse in out-of-home care, as defined by the State of California.”
[Child Welfare Services](#) (Code 11165.6.Child Abuse)

What is not Considered Child Abuse?

“Child abuse does not mean a mutual fight between minors. Child abuse does not include an injury caused by reasonable and necessary force used by a peace officer to quell a disturbance threatening physical injury to person or damage to property, to prevent physical injury to person or damage to property, for purposes of self-defense, to obtain possession of weapons or other dangerous objects within the control of a child, or to apprehend an escapee.” [Child Welfare Services](#)

Further information on Reporting

[WIC Child Abuse Information](#)

Referring Child Abuse

See your Local Agency Policy

Always Report Child Abuse

Unlike other information a participant might share with you, **child abuse information must be reported.**

Check with your supervisor or mentor to get a copy of your agency’s procedures on child abuse.

Note: Before making a report check with your mentor or supervisor.

Learning Activity

To learn more about child abuse and reporting, you may want to try **Learning Activity 5** at the end of this module.

PROGRESS CHECK

1. Match the type of harassment with the description by placing the letter in the space provided.

P – Physical V – Verbal N – Non Verbal E - Environmental

- _____ Eye contact or gestures
- _____ Person is unwillingly touched, fondled, patted, pinched or kissed.
- _____ Sexually oriented jokes
- _____ Sexually explicit or sexually suggestive pictures or objects
- _____ Comments about a person's body
- _____ Whistles, hand gestures or leering
- _____ Often embarrasses or humiliates co-workers and/or participants

2. Mark the following as TRUE or FALSE.

- _____ Employee, applicant and participant confidential information includes, name, social security number, address, telephone number, Medi-cal, CalFresh (food stamps) or TANF Status.
- _____ Leaving your computer terminal logged onto WIC MIS is okay.
- _____ There are protected rights under the USDA regulations.
- _____ A victim of sexual harassment does not have to be the person harassed but could be anyone affected by the offensive conduct.
- _____ Conversations containing sexual innuendoes and double meanings is a form of verbal harassment.
- _____ Not all WIC employees are mandated reporters of child abuse.

LEARNING ACTIVITIES

The following activities are included and are recommended for interactive learning:

- **Learning Activity 1:** Pair Activity - Agency Civil Rights Practices
- **Learning Activity 2:** Case Study - Practice Confidentiality
- **Learning Activity 3:** Identify Function and Time for WIC Forms
- **Learning Activity 4:** Harassment - Matching Exercise
- **Learning Activity 5:** Case Study - Child Abuse Reporting

ACTIVITY 1: PAIR ACTIVITY - AGENCY'S CIVIL RIGHTS PRACTICES**Learning Objectives**

After completing this activity, the Trainee will:

- Have been introduced to the statutes requiring the development of a Public Notification System by the local agencies
- Be able to identify some of the methods used in their agencies' Public Notification System

Background

All Federal Nutrition Service programs (USDA) must develop and maintain a "Public Notification System".

The purpose of this system is to inform applicants, participants and potentially eligible persons of:

- Program availability
- Program rights and responsibilities
- The policy of non-discrimination
- The procedure for filing a complaint

Instructions

Working in pairs, you will have two minutes to list how your agency implements the above policy. Try and list as many public notification development and maintenance methods possible. Then offer one suggestion on how to enhance current practices. Return to a group and share responses.

ACTIVITY 2: CASE STUDY - CONFIDENTIALITY**Learning
Objectives**

After completing this activity, the Trainee will be able to report the use of confidentiality at WIC.

Background

To ensure compliance with federal regulations and state directives, and protect the right to privacy of WIC employees, applicants and participants.

A case study is when a scenario is acted out or shared with the group, then the group shares what could be done to improve the situation or what actions could be taken.

Instructions

1. Read the scenario below.
 2. List the ways the WNA could improve the confidentiality in her session.
 3. What other ways might confidentiality be violated during WIC visits.
-

ACTIVITY 2: CASE STUDY - CONFIDENTIALITY *(continued)***Case Study
A**

Anna, WIC Nutrition Assistant, (WNA) calls participant Teresa Gomez back from the waiting room, Anna asks Teresa loudly in front of the other participants, “Did you bring your Medi-Cal card today?” During the counseling session Anna needs to leave her work station to assist a co-worker, she excuses herself and leaves quickly, not logging off her computer. When Anna completes her counseling session with Teresa she leaves her paperwork on her desk to review the next work day.

ACTIVITY 3: IDENTIFY FUNCTION AND TIME FOR WIC FORMS

Type Form	When is Form used?	What information is completed on the form?
Rights & Responsibilities (R&R)		
Notice of Disqualification Applicant		
Notice of Disqualification of Participant		
Consent to Release Information		

ACTIVITY 4: MATCHING - HARASSMENT TYPES**Learning Objectives**

After completing this activity, the Trainee will be able to identify three examples of Sexual Harassment

Background

Sexual harassment includes but is not limited to unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when this conduct explicitly or implicitly affects an individual's employment, unreasonably interferes with an individual's work performance, or creates an intimidating, hostile, or offensive work environment.

Instructions

1. Read the list of descriptions below.
2. Match the type of harassment with the description.
3. Place the letter in the space in front of the description of the type of harassment.

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ACTIVITY 3: MATCHING - HARASSMENT TYPES *(continued)*

P – Physical V – Verbal N – Non Verbal E - Environmental

_____ Eye contact or gestures

_____ Person is unwillingly touched, fondled, patted, pinched or kissed.

_____ Sexually oriented jokes

_____ Sexually explicit or sexually suggestive pictures or objects

_____ Comments about a person's body

_____ Whistles, hand gestures or leering

_____ Often embarrasses or humiliates co-workers and/or participants

ACTIVITY 5: CASE STUDY - CHILD ABUSE**Learning
Objectives**

After completing this activity, the Trainee will be able to identify and refer case of child abuse to the proper person.

Background

Child abuse is an injury caused by other than accidental means on a child by another person. It includes emotional abuse, sexual abuse, endangering the person or health of a child, and unlawful physical punishment.

A case study is a detailed, in-depth study about a person or situation. The group shares solutions to handle the situation or what actions should be taken.

Instructions

1. Read the scenario below.
 2. List the questions the WNA could ask to gain more information.
 3. What other action or follow up is needed.
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ACTIVITY 5: CASE STUDY - CHILD ABUSE *(continued)*

Case Study A	Participant Sandy Summers is enrolling her three year old daughter, Alisha, today. WNA, Kathy, notices while weighing and measuring Alisha she has bruises on her upper arm. During the enrollment Alisha begins to fidget and ask questions, Sandy says to Alisha, "You will be sorry when you get home if you do not stop talking!" Alisha then sits down and does not move until it is time to leave.
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PROGRESS CHECK ANSWERS

1. Match the type of harassment with the description by placing the letter in the space provided.

P – Physical V – Verbal N – Non Verbal E – Environmental

- N** Eye contact or gestures
- P** Person is unwillingly touched, fondled, patted, pinched or kissed.
- V** Sexually oriented jokes
- E** Sexually explicit or sexually suggestive pictures or objects
- V** Comments about a person's body
- N** Whistles, hand gestures or leering
- E** Often embarrasses or humiliates co-workers and/or participants

2. Mark the following as TRUE or FALSE

- TRUE** Employee, applicant and participant confidential information includes, name, social security number, address, telephone number, Medi-cal, CalFresh (food stamps) or TANF Status.
- FALSE** Leaving your computer terminal logged onto WIC MIS is okay.
- TRUE** There are protected rights under the USDA regulations.
- TRUE** A victim of sexual harassment does not have to be the person harassed but could be anyone affected by the offensive conduct.
- TRUE** Conversations containing sexual innuendoes and double meanings is a form of verbal harassment.
- FALSE** Not all WIC employees are mandated reporters of child abuse.